

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSEPH STANTON FERGUSON,

Plaintiff,

v.

MR. MCCLELLAN, et al.,

Defendant(s).

1:15CV865

**JUDGMENT**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and on January 11, 2016 was served on the parties in this action. (ECF Nos. 3, 4.) No objections were filed within the time prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED AND ADJUDGED that this action be filed and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited in the Magistrate Judge's Recommendation.

This, the 8<sup>th</sup> day of February, 2016.

/s/ Loretta C. Biggs  
United States District Judge